

Amendment B

Serial No. 10/666,289
Art Unit 3721

Remarks:

Response to the Official Action mailed May 19, 2005 in connection with the above referenced application, Applicant respectfully requests reexamination, reconsideration and allowance of claims 1-5 and 9-12 in view of the following amendments and remarks.

Applicant would first like to note claims 1 and 9 have been amended to better define the invention and to indicate that the tab tucker and the blade are spaced from one another during a bottom trailing flap in-folding operation. This is clearly not the method or operation of the Janson device (see, for example, figure 9).

As to the merits of the Action, the Examiner has continued his rejection of claims 1-5 and 9-12 as unpatentable over Anderson, U.S. Patent No. 6,385,950 in view of Janson, U.S. Patent No. 5,324,250. Without belaboring the basis for the rejections and the prior amendments and responses, the Examiner's basic contention is that Anderson discloses the form, fill and seal machine, but does not disclose the tucking assembly, and that Janson discloses the claimed tucking assembly.

In rebutting the arguments of the previous amendment, the Examiner states that figure 7 of Janson shows the blade and the tucker separate from one another, and that although figure 9 shows that the distal end portion of the bending tab tucker 72 is in contact with the roller of the blade 56, there is, however, a space between the blade and the tucker. The Examiner states further that figures 3 & 5 of Janson indisputably disclose that the blade 56 and the tab tucker 62 are spaced from one another. However, figures 3 and 5 both show prior art devices, not the Janson device, figure 7 shows the blade and tucker spaced in a non-in-folding operation and figure 9 shows that during the in-folding operation, the tucker and blade are in contact with one another (or pressed against one another) except for the presence of the tab. This, Applicant submits is not the structure or function as claimed in amended claims 1 and 9 (and the claims depending therefrom).

Accordingly, applicant respectfully submits that claims 1-5 and 9-12 are now in condition

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for allowance and respectfully and earnestly solicits early indication of same.

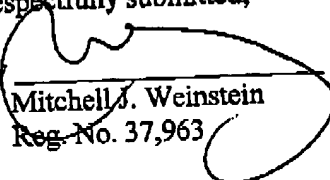
Applicant submits that there is no fee due in connection with the present AMENDMENT

C. If, however, there is a fee due, Applicant authorizes the Commissioner to charge any underpayment, or credit any overpayment, to Deposit Account No. 23-0920. Should any petitions be necessary, applicant requests that this paper constitute any such necessary petition.

If the Examiner finds that there are any outstanding issues that may be resolved by a telephone interview, the Examiner is invited to contact the undersigned at the below listed number.

Respectfully submitted,

By


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Dated: August 17, 2005
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